93

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.5120/2007

Petitioner		Ashok Sharma,s/o Late Shri Radheshyam Sharma, aged about 48 years, working as Head Constable at Korba, R/o village Pali, District Korba(CG)
		Versus
Respondents	1	State of Chhattisgarh, Through: The Secretary(Home), DKS Bhawan, Raipur
	2.	Director General of Police, Police Headquarters, Raipur
	3.	Inspector General of Police Korba Range, Korba (CG)
	4.	Superintendent of Police District Korba(CG)

W.P. UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Saurabh Dangi, counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.09.2007)

Sunil Kumar Sinha, J.

Heard.

Learned counsel for the petitioner submits that the petitioner was promoted vide order dated 28.2.2006(Annexure P-2), but the promotion order is not being given effect to on account of pendency of the departmental enquiry against the petitioner because, it was a conditional order as has been mentioned in the order itself as follows:

"यदि प्रधान आरक्षक के विरूद्ध विभागीय जाँच अथवा अपराधिक प्रकरण की कार्यवाही लंबित हो तो उसे पदोन्नति पर कार्यमुक्त न करते हुये उसका प्रकरण तत्काल इस कार्यालय को प्रेषित किया जावे ।"

For the time being, he makes a limited prayer that the respondents may be directed to dispose of the departmental enquiry pending against the petitioner, so that, if the petitioner is exonerated in the enquiry, he may get advantage of the promotion order.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the respondents.

94

Considering the facts and circumstances of the case, this limited prayer made by learned counsel for the petitioner is allowed.

This petition is finally disposed of with a direction that the respondents authorities shall dispose of the departmental enquiry, pending against the petitioner, at the earliest, so that, the grievance of the petitioner may come to an end.

Sd/-
Sunil Kumar Sinha
Judge

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